WARRANT
for
SPECIAL TOWN MEETING

WEDNESDAY, NOVEMBER 13, 1991
AT THE
WAYLAND HIGH SCHOOL FIELD HOUSE
7:45 P.M.

ADJOURNED MEETINGS

It is anticipated that, if adjourned meetings are necessary to complete action on these Warrants, they will be held on the following dates, subject to Town Meeting approval:

November 14 - Thursday

November 18 - Monday

and thereafter, as may be necessary, on Mondays, Wednesdays and Thursdays as Town Meeting directs.

If you have any questions about the Articles, please attend the **Warrant Hearing Monday, November 4, 1991**, at the Town Building. You may also call the Executive Secretary's office at 358-7701, extension 166 before Town Meeting time. **Hearing time - 8:00 P.M.**

SPECIAL TOWN MEETING

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WARRANT FOR SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Town of Wayland

* * * WARRANT * * *

To any of the Constables of the Town of Wayland,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland, who shall be qualified to vote in accord with the provisions of G.L. Chapter 51, Section 1, to meet in the Field House of the Wayland High School on

WEDNESDAY, NOVEMBER 13, 1991 AT 7:45 PM

Notice: It is the intention of the Finance Committee to request of the Town that if adjourned meetings be necessary to complete the action on the Warrant, they be held Thursday, November 14, and Monday, November 18.

Note Regarding Quantum of Vote: For those articles involving appropriations which are anticipated to be provided by taxation appropriated for another purpose, a majority quantum of vote is indicated. For articles which are anticipated to be funded by borrowing, a two-thirds quantum of vote is indicated.

Certain articles request the action of Town Meeting under its general legislative powers (i.e., to hear and accept reports, to appoint a committee, to adopt a resolution or "sense of the meeting" vote, etc.), and in such cases no particular statute is referenced. Town Counsel has advised that, as a matter of common-law precedent in Massachusetts, such matters are to be decided by a majority vote.

ARTICLE 1. ADOPT DUDLEY POND REGULATIONS AS BY-LAW

Proposed by: Board of Selectmen

To see if the Town will vote to amend its General By-laws by deleting ARTICLE 30. DUDLEY POND RULES AND REGULATIONS therefrom, in its entirety and inserting the following new article:

ARTICLE 32. DUDLEY POND RULES AND REGULATIONS

Section 1. General

1.1 These Rules are adopted in order to ensure the public health, safety, and welfare in the area of Dudley Pond.

1.2 These Rules are intended to supplement all present or future boating and safety regulations of the Commonwealth of Massachusetts. Pamphlets explaining the State regulations, which must also be observed, should be obtained from the Massachusetts Environmental Police, Department of Fisheries, Wildlife and Environmental Law Enforcement.

1.3 The following are prohibited on the Pond and on Town property adjacent to the Pond:

a. Depositing brush, litter, trash or waste except into receptacles placed for that purpose.

b. Igniting or using a fire, including but not limited to cooking devices.

c. Possessing or consuming alcoholic beverages.

1.4 If the Police Chief or his designee determines that an emergency condition exists, he may temporarily limit or suspend recreational use of the pond and adjacent Town property, pending further action by the Board of Selectmen.

1.5 A nightly curfew, prohibiting any use or occupancy of all Town property adjacent to the Pond, shall be observed between the hours of 10:00 P.M. and 4:00 A.M.

a. Upon written application, the Selectmen may issue a permit to an individual or identifiable organization for use or occupancy of Town property between the hours of 10:00 P.M. and 4:00 A.M.

b. If, on the written report of two households neighboring Town property or of the Police Department, the Selectmen determine that an extended curfew is necessary for the public safety or

welfare, the Selectmen may extend the curfew to the hours from sunset to sunrise or otherwise by causing notice of such extension to be posted on the premises.

c. With reference to both a. and b. above, the Selectmen:

(1) may limited their action to specified areas or include all Town property adjoining the Pond;

(2) shall provide the Police Department with copies of any special permits or posted notices; and

(3) shall state the duration of any permit or curfew extension, neither or which may exceed one year.

Section 2. Vessels, Recreational Vehicles and Other Conveyances

2.1 Definitions

a. The term "vessel" as used herein shall mean all types of boats, skis and other conveyances which can be used on or in the Pond, including but not limited to: canoes, kayaks, sailboats, catamarans, and sailboards.

b. The term "recreational vehicles" shall mean automobiles, trucks, ice boats and other conveyances.

c. The term "headway speed" as used herein shall mean the slowest speed at which a vessel or recreational vehicle may be operated and maintain steerage way, in no case to exceed six (6) miles per hour.

2.2 All vessels and recreational vehicles using Dudley Pond and Town-owned portions of its shoreline must be certified and registered in accordance with the laws of the Commonwealth of Massachusetts, if applicable.

2.3 No vessel or recreational vehicle shall be powered by motor or engine on or beneath the surface of the Pond for commercial or recreational purposes unless:

a. the vessel is a boat, and the motor is an outboard having 10 horsepower or less; or

b. the motor is electric; or

c. the vessel or recreational vehicle is being used for purposes of protecting the safety, health, and environment of the public, or written permission has first been obtained from the Board of Selectmen.

2.4 Motorized vessels or recreational vehicles shall not exceed a speed of 10 miles per hour, except for purposes of law enforcement or rescue being performed by Police or Fire agencies.

2.5 All vessels and recreational vehicles shall have the required lighting and shall conform respectively with M.G.L. c.90B, s.5 and s.24.

2.6 Personal flotation devices shall be carried aboard all vessels in accordance with the requirements for recreational boats as established by the U.S. Coast Guard and Massachusetts Environmental Police.

2.7 Any person aboard a canoe or kayak between January 1 to May 15 and between September 15 to December 31 shall wear at all times a Coast Guard approved personal flotation device of Type I, II or III except persons aboard vessels excluded by M.G.L. c.90B, s.5A.

2.8 Any person under twelve (12) years of age aboard any vessel on the waters of the Commonwealth shall wear at all times a Coast Guard approved personal flotation device of Type I, II or III.

2.9 No person shall operate any vessel or recreational vehicle while he or she is under the influence of intoxicating liquor, barbiturates, narcotics, or other controlled substances, including marijuana.

2.10 No person shall operate any vessel or recreational vehicle in a negligent manner so that the lives or safety of the public might be endangered.

2.11 All vessels or recreational vehicles must always be operated safely, courteously, and at a safe distance to prevent their wash rom being thrown into or causing excessive rocking to swimmers, floats, rafts, and other vessels.

2.12 In any event, no vessel or recreational vehicle shall travel faster than a speed that is safe, reasonable, and proper under existing conditions.

Section 3. Particular Areas of Caution

Beyond 150 feet of shore is primarily for use by vessels and recreational vehicles. Within 150 feet of shore is primarily for use by swimmers and waders. Those in areas not designated primarily for their use should exercise special caution.

3.1 Swimmers should proceed with extreme caution beyond 150 feet from shore.

3.2 Motorboats shall not be operated:

a. within one hundred fifty (150) feet of shoreline which is being used as a swimming area, whether public or private or

b. within seventy-five (75) feet of the seaward boundary of a public bathing beach if designated by markers, floats or otherwise.

3.3 Swimming buoys and flagged buoy markers, one hundred and fifty (150) feet from shore, may be placed per authorization of the Selectmen.

3.4 A motorboat shall not be operated at more than headway speed:

a. when the motorboat is operated within three hundred (300) feet of a public bathing beach.

COMMENTS: The Rules and Regulations concerning the use of Dudley Pond and its shoreline were adopted at the 1991 Annual Town Meeting, Article 14 and approved by the Attorney General July 9, 1991. Notification was received August 2, 1991 that the By-law should have been reviewed and approved by the Division of Law Enforcement, Boating and Recreational Vehicles, before submission to Town Meeting. The Town must therefore rescind the By-law voted at the Annual Town Meeting and vote to accept the By-law currently being proposed which has been reviewed and approved by the Division of Law Enforcement and is in no substantive way different from the by-law already once approved.

ARGUMENTS OPPOSED: The Finance Committee is aware of none.

ARGUMENTS IN FAVOR: A vote in favor of this Article would reaffirm Town Meeting's support for valid and fully enforceable rules and regulations governing the recreational use of Dudley Pond.

RECOMMENDATIONS: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: Majority; see G.L. c.40, Section 21.

ARTICLE 2: HIGHWAY GARAGE REPAIRS

Proposed by: Board of Selectmen

To see if the Town will vote to appropriate a sum of money to be expended by the Board of Road Commissioners for repairs to the Wayland Highway Garage; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated available funds, by transfer of funds appropriated for another purpose, by borrowing under authority of G.L. c.44, or otherwise;

or take any action relative thereto.

COMMENTS: These funds were originally appropriated by the passage of Article at the 1989 Annual Town Meeting, and were subsequently raised by the issuance of a bond for that purpose. This sum of money, estimated to be approximately $30,000, would be used to repair the badly-damaged roof at the Highway Department's garage. Funds for this same purpose were contained in a debt exclusion referendum that was rejected by Wayland voters last spring. This Article seeks to now provide the funding by transferring the amount in question from the Town Building Renovation Account. Renovations to the Town Building are in progress and a transfer of the funds to the Highway Department is only possible through a vote of Town Meeting and provided that the funds are used for a similar purpose; since the funds will be used for repairs to another town facility, the latter provision would be satisfied. (The funds cannot be used for any purpose other than Town Building renovation or repair.)

ARGUMENTS OPPOSED: If this sum is removed from the Town Building Renovation Account, it would negate several important projects and repairs now planned for the Town Building, resulting in continued inconvenience for employees and members of the public.

ARGUMENTS IN FAVOR: The damaged roof at the Town Highway Garage poses a significant danger to the health and safety of Highway Department employees and members of the public who use the facility, and therefore demands immediate attention and repair.

RECOMMENDATIONS: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: Majority - see G.L. c.40, Sec. 5, and G.L. c.44, Sec. 33B; two-thirds for borrowing - see G.L. c.44, Sec. 7.

ARTICLE 3: AMEND TOWN BY-LAWS: MOTIONS VARYING FROM ARTICLES AT TOWN MEETING

Proposed by: Board of Selectmen

To see if the Town will vote to amend its General By-Laws, Article 2, Procedure at Town Meeting, by adding thereto the following:

"Section 10. The Moderator shall neither disallow nor rule out of order any motion because the words 'or take any action relative thereto', or their equivalent, were not included in the warrant article under which said motion was made.";

or take any action relative thereto.

COMMENTS: Warrant articles have traditionally included the phrase "or take any action relative thereto" although by-laws governing Town Meeting procedure do not specifically mandate such language. At the 1991 Special Town Meeting, the Moderator ruled that a warrant article was non-amendable because it did not include the words "or take any action relative thereto" in the text. This article, if approved, would prevent the Moderator from making such a ruling in the future; it would render the phrase -- or any similar phrase - meaningless in so far as its absence would never constrain Town Meeting from amending an article so long as an amendment was judged to be within the scope of the article.

ARGUMENTS OPPOSED: Town Moderator is elected by the people and must render decisions on procedural issues at Town Meeting; issues that are often complex, and occasionally controversial. It is impractical -- impossible perhaps -- to attempt to codify all such procedures. Opponents argue that this article merely takes a "rifle shot" approach to one recent and particularly controversial ruling by a moderator. Some would also argue that the phrase "or take any action relative thereto" in the text of warrant articles is a somewhat archaic, yet important, tradition in Wayland Town Meeting that should be continued. The phrase reveals to citizens of the Town that the article in question may be amended by Town Meeting; it also reminds Town Meeting participants that amendments offered must be 'relative thereto' or, in other words, within the scope of the original article. Omission of the phrase -- whether accidental or deliberate -- could be construed as to preclude amendments to an article.

ARGUMENTS IN FAVOR: Proponents of this article claim extensive legal research proves that the words "or take any action relative thereto" are unnecessary and have no legal meaning or basis. Allowing the Town Moderator to block amendments on the basis of the absence of this phrase is anti-democratic and strips Town Meeting of its legislative prerogative to dispose of

motions before it as it sees fit. Town Meeting has the right -- proponents argue -- to amend articles regardless of the accidental or deliberate omission of this phrase. Failing to adopt this article would invite a future reoccurrence of this controversy.

RECOMMENDATIONS: The Finance Committee recommends rejection of this Article.

QUANTUM VOTE: Majority; see G.L. C.40, Section 21.

ARTICLE 4. LIMITED COMMERCIAL DISTRICTS

Proposed by: Petition

To see if the Town will vote to amend the Wayland Zoning By-Laws by making the following changes regarding Limited Commercial Districts:

ITEM 1: Deleting Section VII.A in its entirety and substituting the following therefor:

VII.A LIMITED COMMERCIAL DISTRICT - I

The purpose of the Limited Commercial District - I is to allow for appropriate commercial and manufacturing uses while maintaining compatibility with adjacent residentially zoned and occupied properties and schools.

(a) Uses Permitted As of Right. The following uses are permitted in the Limited Commercial District - I, subject to the provisions of Section X.A of these by-laws:

(1) Any use permitted in a Single Residence District as of right or by special permit, except dwellings.

(2) Research laboratories, offices, facilities for distributing merchandise, and light manufacturing, where the total footprint of all buildings housing such use(s) on the property or set of contiguous properties in common ownership as of the effective date of this section, does not exceed 7,000 gross sq. ft., or five (5) percent of the total area of the lot(s), whichever is smaller.

(3) Personal service facility, such as cafeterias, banks, day care, or recreational facilities, for the employees or other licensees of a permitted or specially permitted use, but not available to the general public.

(b) Uses Available By Special Permit. The following uses may be authorized on special permit by the Board of Appeals, pursuant to the provisions of Section V (r) and Section X.A of these by-laws:

(1) Research laboratories, offices, facilities for distributing merchandise, and light manufacturing, where the total footprint of all structures housing such use(s) on the property or set of contiguous properties in common ownership as of the effective date of this section, exceeds 7,000 gross sq. ft., or five (5) percent of the total area of the lot(s), whichever is smaller.

(c) Conditions. Uses permitted as of right or by special permit in the Limited Commercial District - I shall comply with all of the following requirements:

(1) Dimensional Requirements.

a. Required yards. All buildings and accessory structures shall be located a minimum of 100 ft. from the perimeter of the property or set of properties constituting the application.

b. Buildings within the site shall be spaced so as to be consistent with the spacing of other buildings in the area, regardless of their use or purpose.

c. Buildings shall conform to the height limitations of Section VIII (a).

d. Buffer areas. No structures, parking areas, or recreation facilities shall be located within a 40 foot buffer from the perimeter of the property or set of properties constituting the application. Buffer areas shall be landscaped in accordance with subsection (3) a., below.

e. Coverage. The maximum footprint by buildings on the property or set of contiguous properties in common ownership as of the effective date of this section shall be 10% of the total area. In no case shall the gross floor area for such structures exceed 15% of the total land area.

(2) Parking and Loading.

a. Off-street parking facilities and loading facilities shall be adequate to address site operations; however, in no event shall the number of parking spaces exceed 2.5 parking spaces per 1,000 square feet of gross floor space or 200 spaces, whichever is less.

b. No on-street parking within or without the site shall be permitted.

c. Parking and loading facilities shall be screened in accordance with subsection (3) b., below.

(3) Landscaping and Screening.

a. Required buffer areas shall be landscaped using plantings common to the area and drought resistant. To the extent feasible, native trees shall not be removed from these areas. Removal of dead and/or fallen trees, removal of brush and activities incidental to gardening, forestry, agriculture or recreation may be conducted within the buffer areas.

b. Parking areas and loading facilities shall be screened from view from adjacent residentially zoned or occupied premises by plantings, location, topography, fencing or other device.

c. Storage of materials or articles, including refuse containers, shall be screened in accordance with subsection (c)(3)b., above, or placed within a structure.

d. Sidewalks and appropriate landscaping thereof may be required where the site plan or special permit granting authority deems provision reasonable.

(4) Signs.

a. Not more than one sign per entrance to the site, free-standing or otherwise, shall be permitted on the premises and not more than two such signs shall be permitted in total. The total area of each sign shall not exceed 60 sq. ft. unless a special permit by the Board of Appeals authorizes a larger sign.

(5) Lighting.

a. Outside lighting of parking areas, access roadways or driveways, fire lanes and other outdoor fixed locations, shall be shielded, diffused or directed so as not to cause glare off of the property or set of properties constituting the application. The site plan or special permit granting authority shall regulate the height of light poles or fixtures and may require that light poles or fixtures be screened by plantings of taller height.

b. No floodlights shall be permitted, except in an emergency.

c. External walkways may be lighted by fixtures set as close to the ground as is feasible, and adequately shielded.

d. Building operational areas shall be shaded to minimize lighting intrusion on adjacent premises after 8:00 P.M.

(6) Architectural Standards. Buildings and structures shall conform to the following requirements:

a. Buildings shall not include any roofing material or external finish which reflects sunlight.

b. The visibility of exposed basements, hood vents, aerials, or other roof equipment or fixtures shall be minimized from adjacent residentially zoned or occupied premises.

c. The scale of buildings shall be consistent with other structures in the area, regardless of their use or purpose. The site plan or special permit granting authority may require that large structures have broken wall or roof lines to minimize appearance of mass and ensure architectural compatibility with others in the area.

(7) Drainage.

a. All drainage facilities shall be consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations.

(8) Access and Egress.

a. Access to and egress from the site on ways and driveways shall be designed to be consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations.

(9) Open Space.

a. Uses authorized by special permit may be accompanied by a condition, pursuant to G.L. c.40A, s.9, that a minimum of 30% of the property or set of contiguous properties in common ownership as of the effective date of this section be maintained as open space.

(10) Phasing of Development.

a. The Board of Appeals may require, for uses authorized by special permit, that development of the site be phased over a period not to exceed five (5) years.

ITEM 2: Adding a new Section VII.B as follows:

VII.B LIMITED COMMERCIAL DISTRICT - II

The purpose of the Limited Commercial District - II is to allow for appropriate commercial and manufacturing uses on parcels that are not adjacent to significant tracts of residentially zoned and occupied properties and schools.

(a) Uses Permitted As of Right. The following uses are permitted in the Limited Commercial District - II, subject to the provisions of Section X.A of these by-laws:

(1) Any use permitted in a Single Residence District as of right or by special permit, except dwellings.

(2) Research laboratories, offices, facilities for distributing merchandise and light manufacturing, where the total footprint of all buildings housing such use(s) on the property or set of contiguous properties in common ownership as of the effective date of this section, does not exceed 7,000 gross sq. ft., or five (5) percent of the total area of the lot(s), whichever is smaller.

(3) Personal service facility, such as cafeterias, banks, day care, or recreational facilities, for the employees or other licensees of a permitted or specially permitted use, but not available to the general public.

(b) Uses Available by Special Permit. The following uses may authorized on special permit by the Board of Appeals, pursuant to the provisions of Section V (r) and Section X.A of these by-laws:

(1) Research laboratories, offices, warehouses, facilities for distributing merchandise and light manufacturing, where the total footprint of all structures housing such use(s) on the property or set of contiguous properties in common ownership as of the effective date of this section, exceeds 7,000 gross sq. ft., or five (5) percent of the total area of the lot(s), whichever is smaller.

(c) Conditions. Uses permitted as of right or by special permit in the Limited Commercial District - II shall comply with all of the following requirements:

(1) Dimensional Requirements.

a. Required yards. All buildings and accessory structures shall be located a minimum of 100 ft. from the perimeter of the property or set of properties constituting the application.

b. Buildings within the site shall be spaced so as to be consistent with the spacing of other buildings in the area, regardless of their use or purpose.

c. Buildings shall conform to the height limitations of Section VIII (a).

d. Buffer areas. No structures, parking areas, or recreation facilities shall be located within a 40 foot buffer from the perimeter of the property or set of properties constituting the application. Buffer areas shall be landscaped in accordance with subsection (3) a., below.

e. Coverage. The maximum footprint by buildings on the property or set of contiguous properties in common ownership as of the effective date of this section shall be 15% of the total area. In no case shall the gross floor area for such structures exceed 30% of the total land area.

(2) Parking and Loading.

a. Off-street parking facilities and loading facilities shall be adequate to address site operations; however, in no event shall the number of parking spaces exceed 2.5 parking spaces per 1,000 square feet of gross floor space or 250 spaces, whichever is less.

b. No on-street parking within or without the site shall be permitted.

c. Parking and loading facilities shall be screened in accordance with subsection (3) b., below.

(3) Landscaping and Screening.

a. Required buffer areas shall be landscaped using plantings common to the area and drought resistant. To the extent feasible, native trees shall not be removed from these areas. Removal of dead and/or fallen trees, removal of brush and activities incidental to gardening, forestry, agriculture or recreation may be conducted within the buffer areas.

b. Parking areas and loading facilities shall be screened from view from adjacent residentially zoned or occupied premises by plantings, location, topography, fencing or other device.

c. Storage of materials or articles, including refuse containers, shall be screened in accordance with subsection (c)(3)b., above, or placed within a structure.

d. Sidewalks and appropriate landscaping thereof may be required where the site plan or special permit granting authority deems provision reasonable.

(4) Signs.

a. Not more than one sign per entrance to the site, free-standing or otherwise, shall be permitted on the premises and not more than two such signs shall be permitted in total. The total area of each sign shall not exceed 60 sq. ft. unless a special permit by the Board of Appeals authorizes a larger sign.

(5) Lighting.

a. Outside lighting of parking areas, access roadways or driveways, fire lanes and other outdoor fixed locations, shall be shielded, diffused or directed so as not to cause glare off of the property or set of properties constituting the application. The site plan or special permit granting authority shall regulate the height of light poles or fixtures and may require that light poles or fixtures be screened by plantings of taller height.

b. No floodlights shall be permitted, except in an emergency.

c. External walkways may be lighted by fixtures set as close to the ground as is feasible, and adequately shielded.

d. Building operational areas shall be shaded to minimize lighting intrusion on adjacent premises after 8:00 P.M.

(6) Architectural Standards. Buildings and structures shall conform to the following requirements:

a. Buildings shall not include any roofing material or external finish which reflects sunlight.

b. The scale of buildings shall be consistent with other structures in the area, regardless of their use or purpose. The site plan or special permit granting authority may require that large structures have broken wall or roof lines to minimize appearance of mass and ensure architectural compatibility with others in the area.

(7) Drainage.

a. All drainage facilities shall be consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations.

(8) Access and Egress.

a. Access to and egress from the site on ways and driveways shall be designed to be consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations.

(9) Open Space.

a. Uses authorized by special permit may be

accompanied by a condition, pursuant to G.L. c.40A, s.9, that a minimum of 30% of the property or set of contiguous properties in common ownership as of the effective date of this section be maintained as open space.

(10) Phasing of Development.

a. The Board of Appeals may require, for uses authorized by special permit, that development of the site be phased over a period not to exceed five (5) years.

ITEM 3: Amend Section III of the Zoning By-laws by deleting "6. Limited Commercial Districts" and substituting the following therefor:

6A. Limited Commercial District - I
6B. Limited Commercial District - II

ITEM 4: Amend the Zoning Map of the Town of Wayland by deleting the caption "Limited Commercial District" at detail "10" and substituting "Limited Commercial District - I" therefor.

ITEM 5: Amend the Zoning Map of the Town of Wayland by deleting the caption "Limited Commercial District" at details "4", "9" and "14", and substituting "Limited Commercial District - II" therefor.

or take any action relative thereto.

RECOMMENDATIONS: The Finance Committee had insufficient time to hold meetings on this Article and therefore defers a recommendation until Town Meeting.

QUANTUM OF VOTE: Two-thirds; see G.L. c.40A, Section 5.

ARTICLE 5. LIMITED COMMERCIAL DISTRICTS

Proposed by: Planning Board

To see if the Town will vote to amend the Zoning By-Laws of the Town of Wayland by deleting paragraphs (a), (a)(1), (a)(2), and (c)(7) of Section VII A, Limited Commercial Districts, of said by-laws; by inserting new paragraphs (a), (a)(1), (a)(2), (a)(3), (b), and (b)(1), all as appearing below; by re-lettering paragraphs (b) and (c) as they appear in the existing Section VII A as paragraphs (c) and (d) respectively; by re-lettering existing paragraph (c)(8) as paragraph (d)(7); and by amending Section XIV, Table of Permitted Uses by Districts, of these by-laws to reflect these amendments;

or take any action relative thereto:

SECTION VII A LIMITED COMMERCIAL DISTRICTS

(a) Uses Permitted as of Right. Buildings and structures in a Limited Commercial District may be constructed, reconstructed, altered, enlarged or used, and premises may be used, for the following purposes and no others, subject to the provisions of Section X A, Site Plan Approval, of these by-laws:

(1) Any use permitted in a Single Residence District except dwellings.

(2) Research laboratories, offices, facilities for distributing merchandise, and light manufacturing, where the total footprint of all buildings housing such use(s) on the property does not exceed twenty-five thousand (25,000) gross square feet or five percent (5%) of the total lot area, whichever is smaller.

(3) Personal service facilities, such as cafeterias, banks, day care, or recreational facilities, for the employees or other licensees of a permitted or special permit use, but such facilities shall not be available to the general public.

(b) Uses Available by Special Permit. Buildings and structures in a Limited Commercial District may be constructed, reconstructed, altered, enlarged, or used, and premises may be used, for the following purposes and no others, subject to the provisions of Section X A, Site Plan Approval, of these by-laws, and provided that a permit is obtained from the Board of Appeals in accordance with Section V(r) of these by-laws:

(1) Research laboratories, offices, warehouses, facilities for distributing merchandise, and light manufacturing, where the total footprint of all buildings housing such use(s) on the property exceeds twenty-five thousand (25,000) gross square feet or five percent (5%) of the total lot area, whichever is smaller.

RECOMMENDATION: The Finance Committee had insufficient time to hold meetings on this Article and therefore defers a recommendation until Town Meeting.

QUANTUM OF VOTE: Two-thirds - see Massachusetts General Laws, Chapter 40A, Section 5.

ARTICLE 6. ROADSIDE BUSINESS DISTRICTS

Proposed by: Planning Board

To see if the Town will vote to amend the Zoning By-Laws of the Town of Wayland by deleting paragraphs 1., 1.(a), 1.(b), and 1.(c) of Section V A, Roadside Business Districts, of said by-laws; by inserting new paragraphs 1., 1.(a), 2., 2.(a), and 2.(b), all as appearing below; by re-numbering paragraphs 2. and 3. of existing Section V A as paragraphs 3. and 4. respectively; and by amending Section XIV, Table of Permitted Uses by Districts, of these by-laws to reflect these amendments;

or take any action relative thereto:

SECTION V A ROADSIDE BUSINESS DISTRICTS

1. Uses Permitted as of Right. Buildings and structures in a Roadside Business District may be constructed, reconstructed, altered, enlarged, or used, and the premises may be used, for the following purposes and no others, subject to the provisions of Section X A, Site Plan Approval, of these by-laws:

(a) Any use permitted in a Residence District.

2. Uses Available by Special Permit. Buildings and structures in a Roadside Business District may be constructed, reconstructed, altered, enlarged, or used, and premises may be used, for the following purposes and no others, subject to the provisions of Section X A, Site Plan Approval, of these by-laws, and provided that a permit is obtained from the Board of Appeals in accordance with Section V(r) of these by-laws:

(a) Restaurants and other eating places, but only in accord with the provisions of Section VI 2 (a)(3) of these by-laws.

(b) Farm stands for sale of produce.

RECOMMENDATION: The Finance Committee had insufficient time to hold meetings on this Article and therefore defers a recommendation until Town Meeting.

QUANTUM OF VOTE: Two-thirds - see Massachusetts General Laws, Chapter 40A, Section 5.

ARTICLE 7. ASSOCIATE MEMBERS OF THE BOARD OF APPEALS

Proposed by: Board of Appeals

To see if the Town will vote to amend its Zoning By-Laws by striking the existing paragraph (a) of Section X thereof in its entirety and inserting in its place and stead the following new paragraph (a):

"(a) A Board of Appeals of three members and three associate members to be appointed by the Board of Selectmen is hereby created under the provisions of Chapter 40A of the General Laws, as amended. Associate Members may be designated by the Chairman of the Board of Appeals to sit on the Board whenever, for any reason, fewer than three regular members are available. The Board of Appeals shall have all the powers provided in Chapter 40A, as amended, and further powers as follows:";

or take any other action relative thereto.

COMMENTS: The proposed amendment would permit each associate member of the Board of Appeals to participate on a regular, case-by-case basis. Each case would be assigned to three persons selected from the pool consisting of full and associate members. Thus, full and/or associate members would be seated as required to act on those cases to which they had been assigned.

ARGUMENTS OPPOSED: The Finance Committee is aware of none.

ARGUMENTS IN FAVOR: The resulting by-law promotes increased participation in Town Government, reduces overload of the full members, and is consistent with current practice.

RECOMMENDATION: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: Two-thirds; see G.L. c.40A, Section 5.

ARTICLE 8. PLANNING BOARD OF APPEALS

Proposed by: Board of Appeals

To see if the Town will vote to amend Section 1 of Article 14 of the Town By-Laws as follows:

(1) By substituting "three associate members" for "two associate members" in the first sentence; and

(2) By deleting the third sentence and substituting the following new third sentence in its place and stead:

> "Associate members may be designated by the Chairman of the Board to sit on the Board whenever, for any reason, fewer than three regular members are available.";

or take any action relative thereto.

COMMENTS: See Comments in Article 7.

ARGUMENTS OPPOSED: See Arguments Opposed in Article 7.

ARGUMENTS IN FAVOR: See Arguments in Favor in Article 7.

RECOMMENDATION: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: Majority; see G.L. c.40, Section 21.

ARTICLE 9. CHANGING PUBLIC WAYS

Proposed by: Petition

To see if the Town will vote to amend Article 21 in the Town of Wayland By-laws by adopting and inserting the new By-law:

Prior to advertising for bids, awarding a contract or beginning work for construction, reconstruction or repair of any Town road, bridge or sidewalk where a new Town road, bridge or sidewalk is proposed, where the width of the Town road, bridge or sidewalk is to be increased, or where the type of road, bridge or sidewalk surface is to be changed, or where the sidelines of the Town's ownership are to be altered, or where the load rating or speed limit is to be increased, the consent of a majority of the abutters of the entire length of the Town road or the entire length of the Town road on which the bridge or sidewalk occurs, shall, by lot ownership, feet of frontage, and registered voters, be obtained in writing by the Town Committee, Board, or Commission having authority to expend funds for such work. In addition, the Town Committee, Board, or Commission having authority to expend funds for such work shall hold a public hearing for the purpose of gathering public comments and input on the proposed design. Notice of said hearing, giving the time, place and general subject matter, sufficient for identification, shall be placed in a newspaper of general circulation in the Town, once in each of two (2) successive weeks, with the first such publication being not less than fourteen (14) days before the hearing to the abutters of the property where such work is proposed and to owners of any other properties deemed by the Committee, Board or Commission to be directly affected thereby. Written comments shall be accepted by the Committee, Board or Commission for at least ten (10) days following said hearing. If ten (10) or more abutters object at the hearing, or in writing within ten (10) days of the hearing, then no construction activities may begin for at least sixty(60) days from the hearing date.

COMMENTS: The proposed By-law change would require the written consent of the majority of the abutters to an entire road when the Town plans to make any changes affecting the road, bridges or sidewalks. The Article also proposes a public hearing process and method of notifying the public of such hearings. Construction could be delayed for 60 days at the request of ten or more abutters.

ARGUMENTS OPPOSED: The Article proposes a cumbersome approval process involving obtaining the written consent of the majority of all the abutters to a given road, and determining majority on the basis of lot ownership, registered voters and road frontage. The process would create tremendous obstacles to the performance of necessary, routine work, such as replacement of worn-out road

surfaces with improved materials. The current system of approving changes in public roads has been responsive to the desires of abutters; neighbors' comments resulted in substantial changes to the recent Road Reconstruction Program. Any citizen is entitled to take on a larger role in Wayland's town government by seeking election or appointment to public office.

PETITIONER COMMENTS IN FAVOR: When public ways are changed, abutters are most directly and most significantly affected. Their voices deserve additional weight. This article changes the role of abutters from one of advise to advise and consent establishing a fair mechanism in weighing town-wide and abutter interests by requiring approval of a majority of abutters. In elections a single issue is diluted with numbers of other issues. While requiring additional administrative work by the Town to secure approval, it is not work which is unfeasible.

The article preserves the authority of the Town to initiate proposals for changes, design studies and maintain, repair and reconstruct public ways. While the Town often cooperates with abutters, it is not required to. The article would encourage Town officials to work cooperatively and closely with responsible groups of abutters.

ARGUMENTS IN FAVOR: This Article increases the power of abutters to control changes to the roads, sidewalks and bridges in their neighborhoods. Under the present system, the Town is not required to act in accordance with the wishes expressed by the neighbors at public hearings. An abutter has no more control over the outcome than does a non-abutter. This Article would allow a majority of abutters to reject a proposed change.

RECOMMENDATIONS: The Finance Committee does not recommend approval of this Article.

QUANTUM OF VOTE: Majority; see G.L. c.40, Section 21.

ARTICLE 10. AMEND TOWN BY-LAWS: UNLICENSED DOGS

To see if the Town will vote to amend its General By-laws, as follows:

(a) by deleting from Article 7 Paragraph D. PENALTY FOR UNLICENSED DOGS, in its entirety; and

(b) by adding a new sub-paragraph, 3. to paragraph two of Article 20, PENALTY as follows:

3. Failure to license dog(s) by March 31st; Penalty: $50.00 per dog for each violation.

   Enforcing person: Dog Control Officer;

or take any action relative thereto.

COMMENTS: Penalty for unlicensed dogs may be enforced and collected civilly in the manner provided in G.L. c.40, Section 21D.

RECOMMENDATION: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: Majority; see G.L. c.40, Section 21.

ARTICLE 11. NORTHLAND CONSERVATION RESTRICTION

Proposed by: Conservation Commission

To see if the Town will vote:

(a) to instruct the Conservation Commission, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the conservation restriction on twenty-two (22) acres of land, more or less, granted to the Town by deed from Northland Residential Corporation dated May 26, 1989, recorded in the Middlesex County South District Registry of Deeds in Book 19853 page 77, and shown more particularly on plans referenced in said deed, copies of which are on file with the Town Clerk, to the Board of Selectmen or Conservation Commission, as applicable, for the purpose of releasing said conservation restriction in consideration for a similar conservation restriction;

(b) to authorize the Conservation Commission or the Board of Selectmen, as applicable, with the approval of Town Counsel as to form, and with the approval of the Board of Selectmen and all applicable state agencies in accordance with G.L. c.184, Section 32, to release all or part of the above described conservation restriction in consideration for a similar conservation restriction; and

(c) to authorize the Conservation Commission to petition the General Court of the Commonwealth of Massachusetts to enact a special act pursuant to Article XCVII of the Amendments to the Massachusetts Constitution to authorize the change in use of all or part of the land covered by the above described conservation restriction;

or take any action relative thereto.

COMMENTS: This Article is concerned with small changes made to the conservation restriction on part of the land at the former Watertown Dairy. In order to effect the changes which are in the building envelopes, the existing conservation restriction must be released and cancelled and a new restriction granted. As part of ratifying the change, Town Meeting is required by the Constitution of Massachusetts to confirm the abandonment with a two-thirds vote. A new conservation restriction, described in the accompanying map, will be granted by the current owners to replace the existing one.

Through efforts of the Sudbury Valley Trustees, Wayland Town agencies, the Massachusetts Department of Environmental Management, the Massachusetts Department of Food and Agriculture, the U.S. Fish and Wildlife Service and private citizens much of the Watertown Dairy property has been preserved for conservation

purposes, including water-supply protection, agriculture and passive outdoor recreation. As part of the effort, a portion of the property was sold for residential development. It is this portion which the conservation restriction affects. This parcel was divided into building lots, each with a "building envelope" in which building could take place. These envelopes were originally laid out as carefully as possible in the absence of a specific house. Later, when specific houses were sited, it was found that in several cases the original layout imposed some unforeseen and undesirable constraints which required small adjustments. The Conservation Commission and Sudbury Valley Trustees have participated in making these adjustments and believe that they represent appreciable gain in conservation value.

An additional confirming, recorded two-thirds vote is required by both houses of the General Court as well as a majority vote of the Conservation Commission declaring that the land abandoned in making the adjustments is no longer needed for conservation purposes.

ARGUMENTS OPPOSED: No opposing arguments have been heard.

ARGUMENTS IN FAVOR: The abandonment is required to gain the value of the new conservation restriction.

RECOMMENDATION: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: (a) Two-thirds; see G.L. c.40, Sec. 15A; (b) Majority; see G.L. c.40, Sec. 3; and (c) Majority; see Mass. Const. Amend. Art. 2, Sec. 8(1).

ARTICLE 12. LONG-TERM CONTRACTS WITH FARMERS

Proposed by: Conservation Commission

(a) to instruct the Conversation Commission, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of selected areas of Town-owned conservation land to the Conservation Commission for the purpose of entering into and executing agreements with farmers to grow and harvest crops thereon;

(b) to authorize the Conservation Commission, with the approval of Town Counsel as to form, to enter into and execute agreements with farmers to grow and harvest crops on selected areas of Town-owned land under the care, custody, management and control of the Conservation Commission for terms in excess of three (3) years, notwithstanding the provisions of G.L. c.30B, Section 12(b); and

(c) to authorize the Conservation Commission to petition the General Court of the Commonwealth of Massachusetts to enact a special act pursuant to Article XCVII of the Amendments to the Massachusetts Constitution to authorize the change in use of selected areas of Town-owned land under the care, custody, management and control of the Conservation Commission so that the Conservation Commission may enter into and execute agreements with farmers to grow and harvest crops on such areas of Town-owned land;

or take any action relative thereto.

COMMENTS: This Article is concerned with two aspects of the Conservation Commission's authority to make contracts with farmers to farm conservation land.

Recent changes in the Uniform Procurement Act (General Laws Chapter 30B) have changed the legal context in which such contracts are made. Under this change it is now required that all contracts with a term of greater than three years be approved by Town Meeting. In as much as both the farmers and the Conservation Commission find it advantageous to use long-term contracts, part (1) of this Article seeks authority for the Conservation Commission to continue use of long-term contracts in the future. This authority may be granted in blanket form; specific approval for each contract is not required.

A second aspect of the farming contract activity is the nature of the contract. Recently gained knowledge of the provisions of the farming agreements indicates that what had been thought to have been licenses were in fact leases. Contracts that take the form of leases may require procedures specified in Article XLIX of

the Amendments to the Constitution of Massachusetts. Proceeding on the assumption that these procedures are required, the Conservation Commission is seeking authorization, part (2) of this Article, for the Selectmen and themselves to file a bill that would enable them to enter into farming contracts as required by Article XLIX.

ARGUMENTS OPPOSED: No opposing arguments have been heard.

ARGUMENTS IN FAVOR: Long-term contracts are needed by farmers to gain the return on investment made in soil improvements. The ability to lease the land is needed by farmers to assure financing by banks. This Article will provide the Conservation Commission with both capabilities in their negotiations for farming agreements with local farmers.

RECOMMENDATION: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: (a) Two-thirds; see G.L. c.40, Section 15A; (b) Majority; see G.L. c.30B, Sec. 12(b); and (c) Majority; see Mass. Const. Amend. Art. 2, Sec. 8(1).

ARTICLE 13. TRANSFER STONEBRIDGE ROAD PROPERTY

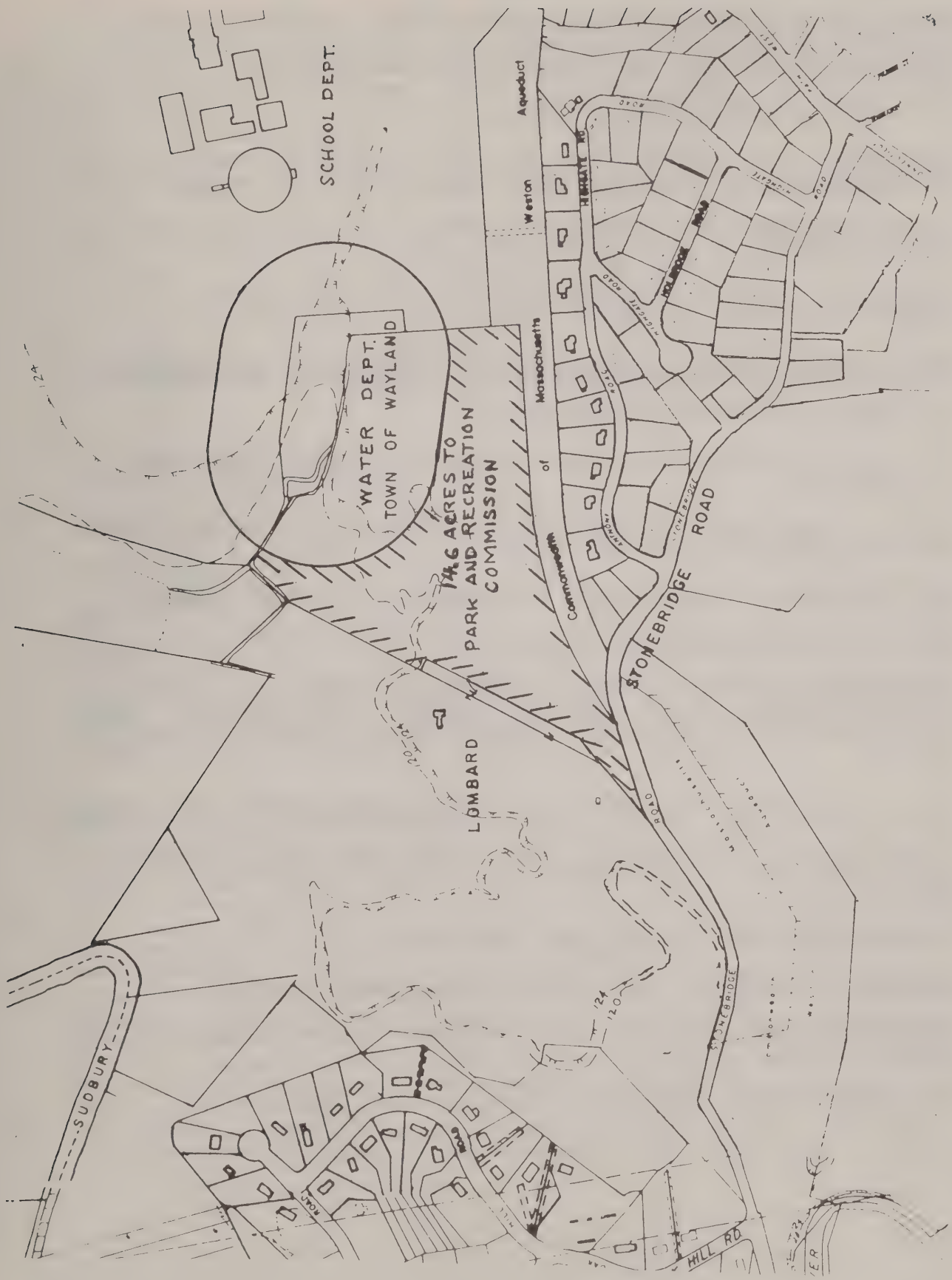
Proposed by: Park & Recreation Commission

To see if the Town will vote to instruct the Board of Selectmen and/or the Road Commissioners with the approval of Town Counsel as to form, to transfer the care, custody, management and control of a parcel of land located off Stonebridge Road originally acquired by the Town for gravel pit and other Town purposes, totalling 14.6 acres, more or less, as shown on a plan entitled "Plan of Land in Wayland, Mass., off Stonebridge Road owned by the Town of Wayland, September 17, 1991 Scale 1"-40', Wayland Engineering Department" on file with the Town Clerk, to the Park & Recreation Commission for the purpose of constructing athletic fields;

or take any action relative thereto.

RECOMMENDATION: The Finance Committee had insufficient time to hold meetings on this Article and therefore defers a recommendation until Town Meeting.

QUANTUM OF VOTE: Two-thirds; see G.L. c.40, Section 15A.


SCHOOL DEPT.
WATER DEPT.
TOWN OF WAYLAND
14.6 ACRES TO
PARK AND RECREATION
COMMISSION
Weston Aqueduct
Commonwealth of Massachusetts
HERBERT RD
HOLBROOK ROAD
STONEBRIDGE ROAD
LOMBARD
SUDBURY
HILL RD
124
120

ARTICLE 14. AMEND TOWN BY-LAWS: TOWN MEETINGS AND ELECTIONS

Proposed by: Board of Selectmen

To see if the Town will vote to amend its General By-laws, Article 1., Section 2. by adding the words, "special town election" after the words "annual town election";

or take any action relative thereto.

COMMENTS: This addition to the By-law provides the mechanism for service of the warrant for a special town election.

RECOMMENDATION: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: Majority; see G.L. c.40, Section 21.

ARTICLE 15. AMEND TOWN BY-LAWS: TOWN REPORTS AND TRAPPING

Proposed by: Board of Selectmen

To see if the Town will vote to amend its General By-laws, as follows:

(a) by replacing the words "Library in Cochituate" with the words "Library in Wayland" in Article 3., Section 2; and

(b) assigning "Article 31" to LEGHOLD OR CONIBEAR TRAPS;

or take any action relative thereto.

COMMENTS: (a) This By-law amendment provides for "...an adequate supply of the full Town Report to be available...in the Library in Cochituate..." Cochituate Library no longer exists.

(b) The Leghold or Conibear Traps By-law was adopted by the 1989 Annual Town Meeting, Article 23 and approved by the Attorney General on July 5, 1989 without any article number. It has appeared in the General By-laws as the unnumbered Trap By-law.

ARGUMENTS OPPOSED: None have been heard.

ARGUMENTS IN FAVOR: This is a housekeeping Article.

RECOMMENDATION: The Finance Committee recommends approval of this Article.

QUANTUM OF VOTE: Majority; see G.L. c.40, Section 21.

APPENDIX A

Listed below are existing Town and Zoning By-laws, which pertain to the special meeting articles indicated. The text of existing Town By-laws is presented below. Length precludes printing of affected Zoning By-laws in this warrant. They are available for review, however, at the Zoning Office, Town Clerk's Office or Executive Secretary's Office.

STM ARTICLE	TOWN/ZONING BY-LAW TO BE AMENDED
4	VII A Zoning By-laws
5	VII A Zoning By-laws
6	V A Zoning By-laws
7	X A Zoning By-laws
8	Article 14 Section 1 Town By-laws
9	Article 21 Town By-laws
10	Article 7 Par. D Town By-laws
14	Article 1 Section 2 Town By-laws
15	Article 3 Section 2 Town By-laws

TEXT OF EXISTING TOWN BY-LAWS

ARTICLE 14. PLANNING BOARD OF APPEALS.

SECTION 1.
There shall be a Planning Board of Appeals, consisting of three members and two associate members. Such board shall have the duties and authority provided for it by law or given to it by vote of the Town. In the case of vacancy, inability to act or show interest on the part of a member of such board, his place shall be taken by an associate member designated by the chairman. The members and associate members of such board shall be the members respectively of the Zoning Board of Appeals.

ARTICLE 21. CHANGING PUBLIC WAYS.

Prior to accepting the final design of any road, bridge, or sidewalk for construction or reconstruction where pavement is to be placed where none exists at the time or where the sidelines of the Town's ownership are to be altered, the Town Committee, Board or Commission having authority to expend funds for such construction or reconstruction shall hold a public hearing for the purpose of gathering public comments and input on said proposed design. Notice of said hearing, giving the time, place and general subject matter, sufficient for identification, shall be placed in a newspaper of general circulation in the Town, once in each of two (2) successive weeks, with the first such publication being not less than fourteen (14) days before the hearing. In addition, a copy of the notice shall be mailed not less than fourteen (14) days before the hearing to the abutters of the

property where such work is proposed and to owners of any other properties deemed by the Committee, Board or Commission to be directly affected thereby. Written comments shall be accepted by the Committee, Board or Commission, for at least ten (10) days following said hearing. If ten (10) days or more abutters object at the hearing or in writing within ten (10) days of the hearing, then no construction activities may begin for at least sixty (60) days from the hearing date.

ARTICLE 7

D. PENALTY FOR UNLICENSED DOGS

All owners and keepers of dogs in the Town during the preceding six (6) months and who, on the first day of June of each year, have not licensed said dogs, shall be subject to a penalty of one dollar ($1.00) per dog for each day any one dog is unlicensed, up to the maximum allowed by law, plus a demand charge of one dollar ($1.00) per dog, payable to the Town, in addition to the license fee.

The Dog Officer may receive payment of such penalties and charges and remit same to the Town Treasurer prior to seeking a complaint therefor at the District Court for the Southern District of Middlesex County.

ARTICLE 1

SECTION 2.
Service of the warrant for the annual election and the annual Town Meeting, and for any special Town Meeting, shall be made by posting attested copies thereof at the Town Building and at the public library in Wayland Center, at the Cochituate Fire Station, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town not later than the time required under the Massachusetts General Laws for the giving of notice of such election or any such Town Meeting.

ARTICLE 3

SECTION 2.
The Board of Selectmen shall cause an adequate supply of the full Town Report to be available in the Town Offices at Wayland Center, and in the Library in Cochituate, from which to furnish a copy to any interested person; and they shall cause the Warrant and Finance Committee's Report with Recommendations, to be served as provided in Article 1, Section 2 of these By-laws.

* * * * * * * * * *

You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the public library in Wayland Center, at the Cochituate Fire Station, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town, fourteen days, at least, before the time appointed for such meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before October 30, 1991.

Given under our hands and seals this 28th day of October, 1991.

George H. Harris, Chairman
Dennis J. Berry, Vice-Chairman
Marcia P. Crowley
Dorothy M. Harrington
Iryna W. Priester

Selectmen of the
Town of Wayland

Donald M. Tucker, Chairman
Alfred H. Bellows
Sema M. Faigen
Donald S. Keller
Walter F. Pope
Robert A. Salsberg
Jane S. Stabile

Finance Committee
Town of Wayland

TOWN OF WAYLAND
Board of Selectmen
41 COCHITUATE ROAD
WAYLAND, MA 01778

Bulk Rate
U.S. Postage
PAID
Permit No. 16
Wayland, Mass.

POSTAL PATRON

WAYLAND, MASS. 01778